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Title 63. Public Health and Safety

■Oklahoma Statutes Citationized

□Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 2 - Local Health Services

Section 1-209 - Cities and Towns - Health Authorities - Ordinances

Cite as: O.S. §, _____

- A. 1. Except as may be otherwise provided by city charter, the governing board of each city or incorporated town shall serve, ex officio, as the board of health for such city or town, and shall appoint, and fix the duties and compensation of, a health officer and other personnel to enforce the ordinances of such city or town relating to public health.
- 2. Except as otherwise provided by this subsection, the governing board may adopt such ordinances and rules as it deems necessary for the protection of the public health;, provided such ordinances and rules are not inconsistent with state laws or rules of the **State Board of Health**. The governing board shall enforce such laws and rules as may be required by the State **Commissioner of Health** and may, by agreement with the medical director of the county or district department of health, delegate to such department the authority to enforce ordinances of the city or town relating to public health. Except as otherwise provided by law, responsibility for licensing, regulation and inspection of nursing facilities and specialized facilities, as defined in the Nursing Home Care Act and for enforcement of state health and safety standards applicable to such facilities, shall be reserved to the **State Department of Health** and shall be exercised pursuant to the provisions of the Nursing Home Care Act.
- 3. Except as otherwise provided by law, responsibility for the licensing and inspection of any establishment where food or drink is offered for sale or sold, in accordance with the provisions of Section 1-1118 of this title, and for the enforcement of state health and safety standards applicable to such establishments, shall be reserved to the **State Department of Health**. Any such rules adopted by a governing body of a city or town relating to an establishment where food or drink is offered for sale or sold shall not be more stringent than the rules for such establishments adopted by the **State Board of Health**; provided, that rules adopted prior to May 31, 2008, which directly relate to training and permit requirements for food managers and food handlers and fees related to such establishments shall, in addition to the license fee required by the **State Board of Health**, be exempt from the provisions of this subsection.
- B. The governing board of each city or incorporated town may adopt and enforce such ordinances as it deems necessary for the protection of the environment, provided such ordinances are not inconsistent with state laws or rules of the Environmental Quality Board. The governing board may, by agreement with the Department of Environmental Quality, delegate to the local representative of the Department of Environmental Quality the authority to investigate ordinances of the city or town relating to the environment and submit such investigative results to the clerk of the city or town.

Historical Data

Laws 1963, SB 26, c. 325, § 209, emerg. eff. July 1, 1963; Amended by Laws 1993, HB 1002, c. 145, § 305, emerg. eff. July 1, 1993; Amended by Laws 1995, HB 1293, c. 230, § 2, emerg. eff. July 1, 1995; Amended by Laws 1998, SB 986, c. 314, § 10, emerg. eff. July 1, 1998 (superseded document available); Amended by Laws 2009, SB 572, c. 132, § 2, eff. November 1, 2009 (superseded document available).

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